

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIE D. GRIFFIN,

Plaintiff,

v.

Case No. 07-C-1118

CIRCUIT COURT CRIMINAL DIVISION,
L.E. PIERCE, P.T. MCDERMOTT, D.L. SHELTON,
A.F. BROWN, and J.E. JOHNSON,

Defendants.

ORDER

On December 17, 2007, *pro se* plaintiff Willie D. Griffin filed a complaint pursuant to 42 U.S.C. § 1983, alleging that the defendants violated his civil rights by falsely imprisoning him. The plaintiff has filed a request for leave to proceed *in forma pauperis*.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). To authorize a litigant to proceed *in forma pauperis*, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2). In making the latter determination, the court must give a *pro se* plaintiff's allegations, "however inartfully pleaded," a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

The plaintiff has not shown that he is unable to pay the filing fee. The plaintiff indicates that he receives a total monthly income of \$1,968 and that his total monthly expenses are \$1,356. The plaintiff has not shown that he is unable to pay the filing fee in this action. Moreover, the court has denied motions for leave to proceed *in forma pauperis* with respect to other litigants who earn much less than the plaintiff. (See, e.g., *DuBose v. City of Milwaukee*, Case No. 07cv0692, Aug. 6, 2007.) The court will deny Griffin's motion for leave to proceed *in forma pauperis*. The court will dismiss this action without prejudice if the plaintiff fails to pay the filing fee within twenty (20) days from the date of this order.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* be and the same is hereby **DENIED**; the plaintiff shall pay the filing fee within twenty (20) days from the date of this order.

Dated at Milwaukee, Wisconsin, this 16th day of January, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge